

ENTERED

August 04, 2016

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

ALEJANDRO MARTINEZ-YANEZ,
Petitioner,

V.

UNITED STATES OF AMERICA,
Respondent.

§
§
§
§
§
§
§

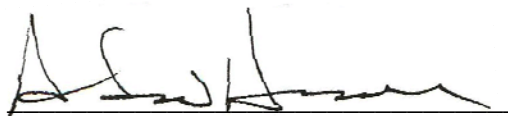
CIVIL ACTION NO. B-16-159
CRIMINAL NO. B-13-619-1

ORDER

Pending is the Magistrate Judge's July 6, 2016, Report and Recommendation in the above-referenced cause of action. [Doc. No. 4] No objections have been lodged by either side and the time for doing so has expired.

Having reviewed all of the pleadings and the Report and Recommendation for plain error and having found none, it is the opinion of the Court that the Magistrate Judge's Report and Recommendation [Doc. No. 4] is hereby adopted. Therefore, Petitioner Alejandro Martinez-Yanez's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 [Doc. No. 1] is transferred to the Fifth Circuit for its consideration as to whether a successive habeas petition may be filed, pursuant to In re Epps, 127 F.3d 364, 364 (5th Cir. 1997).

Signed this 4th day of August, 2016.



Andrew S. Hanen
United States District Judge